

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

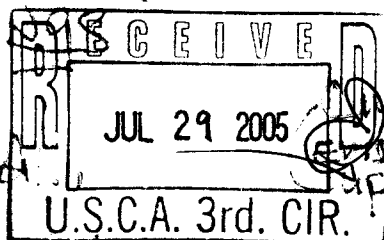
ID# X7, B38.

DATE 7/25/2005.

PRESTON CATCHINGS

VS

MR. ORR et al.

CIVIL ACTION NO# 04-159 ERIE COUNTY
EVIDENCE AND ORDER WILL BE BRIEFED
UPON RECEIPT OF NOTICE OF APPEAL

Notice of Appeal to the Court of Appeals from a Order of the District Court

Notice is hereby given that Preston Catchings BJ8956, the plaintiff, verses Mr. Orr et al., in the ABOVE NAMED CASE, CIVIL ACTION NO# 04-159 ERIE COUNTY. HEREBY Appeal to the UNITED STATES COURT of APPEAL, for the Third Circuit from MEMORANDUM ORDER. AND NOW this 27th DAY OF JUNE 2005 IT IS HEREBY ORDERED that the DEFENDANTS Motion to Dismiss (Doc# 19) IS GRANTED. The ORDER GOES ON to state MAGISTRATE JUDGES REPORT AND RECOMMENDATION filed MAY 20, 2005 RECOMMENDED that DEFENDANT Motion to Dismiss BE GRANTED, that the parties were ALLOWED (10) DAYS from the DATE of SERVICE to file OBJECTIONS. SERVICE WAS MADE ON PLAINTIFF. NO OBJECTION were filed.

Plaintiff states for this Court's review, that he filed OBJECTIONS to the DEFENDANTS Motion to Dismiss, the caption of the PLEADINGS READ "Motion IN Opposition to DEFENDANTS Motion to Dismiss, AND ADDENDUM to The Motion for Summary Judgment with Amendment to the Complaint."

Plaintiff petitioning was REJECTED thrice and RETURNED stating you must submit (8) COPIES, one for each DEFENDANT, motion responded, by RESENDING the motion alleging DISCRIMINATION of INDIGENT, INMATES by PRISON officials, the Court would not EXCEPT Plaintiff's pleading. 28 U.S.C. § 1915B(1) IF A PRISONER DOES NOT HAVE SUFFICIENT FUNDS, will not BE PROHIBITED from PROCEEDING.

[Signature] BJ8956